

COASTAL CONSERVANCY

Staff Recommendation
July 21, 2011

SAN FRANCISCO BAY TRAIL: COOLEY LANDING BAY TRAIL SPUR

Project No. 07-063-28
Project Manager: Ann Buell

RECOMMENDED ACTION: Authorization for the Association of Bay Area Governments to disburse up to \$244,649 of previously granted Conservancy funds to the City of East Palo Alto to construct .92 miles of Bay Trail spur at Cooley Landing Park in the cities of East Palo Alto and Menlo Park, San Mateo County.

LOCATION: Cooley Landing Park on San Francisco Bay, East Palo Alto and Menlo Park, San Mateo County (Exhibit 1)

PROGRAM CATEGORY: San Francisco Bay Area Conservancy

EXHIBITS

- Exhibit 1: [Project Location and Site Maps](#)
 - Exhibit 2: [Photographs and Site Concept Plan](#)
 - Exhibit 3: [Mitigated Negative Declaration for Cooley Landing Park
\(Provided to public on CD upon request\)](#)
 - Exhibit 4: [Project Letters](#)
 - Exhibit 5: [Sea Level Rise Analysis Map](#)
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RESOLUTION AND FINDINGS:

Staff recommends that the State Coastal Conservancy adopt the following resolution pursuant to Sections 31160-31165 of the Public Resources Code:

“The State Coastal Conservancy hereby authorizes the Association of Bay Area Governments (ABAG) to disburse up to \$244,649 (two hundred forty-four thousand, six hundred forty-nine dollars) of previously granted Conservancy funds to the City of East Palo Alto to construct .92 miles of Bay Trail spur at Cooley Landing in the cities of East Palo Alto and Menlo Park, subject to the following conditions:

1. Prior to the disbursement of funds, ABAG shall submit for the review and approval of the Executive Officer of the Conservancy a final work program, schedule and budget, and a grant agreement between ABAG and the City of East Palo Alto.

2. ABAG shall ensure installation of signs acknowledging the Conservancy and displaying the Conservancy logo in a manner approved by the Executive Officer.
3. In carrying out the project, ABAG shall ensure compliance by the City of East Palo Alto with all project actions, components, and mitigation measures that are needed to reduce or avoid significant environmental effects of the trail improvements as identified in the Mitigated Negative Declaration for Cooley Landing Park certified by the City of East Palo Alto on February 15, 2011 pursuant to the California Environmental Quality Act (CEQA), and accompanying the project staff recommendation as Exhibit 3.
4. ABAG shall provide documentation during the course of the project that the required project actions and mitigation measures have been implemented by or on behalf of the City of East Palo Alto.”

Staff further recommends that the Conservancy adopt the following findings:

“Based on the accompanying staff report and attached exhibits, the State Coastal Conservancy hereby finds that:

1. The proposed project is consistent with the current Project Selection Criteria and Guidelines.
2. The proposed authorization is consistent with the purposes and objectives of the San Francisco Bay Area Conservancy Program, Chapter 4.5 of Division 21 of the Public Resources Code, Sections 31160-31165.
3. The Conservancy has independently reviewed the Mitigated Negative Declaration for Cooley Landing Park certified by the City of East Palo Alto on February 15, 2011 pursuant to CEQA and finds no substantial evidence that the Cooley Landing Park project as proposed, and with the identified measures to avoid, reduce or mitigate the possible significant environmental effects, will have a significant effect on the environment.”

PROJECT SUMMARY:

Staff recommends that the Conservancy authorize the Association of Bay Area Governments to disburse up to \$244,649 of previously granted Conservancy funds to the City of East Palo Alto to construct .92 miles of Bay Trail spur at Cooley Landing Park in the cities of East Palo Alto and Menlo Park, San Mateo County. The new Bay Trail spur would extend from the Bay Trail spine at Ravenswood Open Space Preserve into and around Cooley Landing Park (Exhibits 1 and 2). The proposed project will take place on property owned in part by the City of East Palo Alto, and in part by the Midpeninsula Regional Open Space District (MROSD), and will integrate the Bay Trail with the broader East Palo Alto community. Trail access will consist of a paved 8-foot loop trail with 2-foot gravel shoulders and a network of secondary decomposed granite trails providing access to points of interest along the shoreline. It will be ADA-compliant and separated from traffic. Trail construction is estimated to start in September, 2011.

The context for the proposed project is a larger plan that the City of East Palo Alto has been developing since about 2003. That plan focuses on the construction of a new shoreline park at

Cooley Landing, a nine-acre peninsula at the end of Bay Road in Menlo Park and East Palo Alto that has been closed to the public since 1999 (Exhibits 1 and 2). East Palo Alto has worked very closely with the surrounding community and neighboring landowners to develop a healthy community space with access to the shoreline of San Francisco Bay. That work resulted in the *Cooley Landing Vision Plan*, adopted by the City of East Palo Alto in July, 2010. The City has successfully raised almost half of the nine million dollars of funding needed to implement that plan and fulfill the vision of an open space with restoration areas, picnic sites, an education center, outdoor classrooms, and piers.

Among other features, and most relevant to this requested authorization, the *Cooley Landing Vision Plan* identifies the need for a perimeter loop trail and secondary trails that will allow walkers, bicyclists and people in wheelchairs to visit all areas of the site (see the Final Concept Plan in Exhibit 2). This loop trail will connect with the existing San Francisco Bay Trail spine that runs perpendicular to the site and continues uninterrupted from Ravenswood Open Space Preserve just to the northwest, all the way to San Jose through residential communities and by local businesses – a 26-mile non-motorized corridor. By making access to this new park possible via the Bay Trail, the project will also strengthen the community's connection with adjacent Ravenswood Open Space Reserve because the neighboring parks will be equally accessible and clustered together at this beautiful site on the Bay.

The community is very supportive of this project, including elected officials at all levels, local non-profit organizations and nearby businesses. The MROSD is a primary partner in implementing the park. They have entered into a 30-year lease agreement with the City of East Palo Alto, giving the City control over park development, including on their own property. The spur trail is also identified in East Palo Alto's Bay Access Master Plan and General Plan.

East Palo Alto is an economically disadvantaged city, with 16% of the population below the poverty level. Police and rangers have encountered drug use, prostitution, and illegal dumping at this site, which is a former dump and will be capped with two feet of clean fill prior to construction. By bringing in facilities, programs, and all ages of visitors, this project will increase the safety and attractiveness of this part of the Bay Trail.

Despite the past use of this site for dumping refuse, vibrant, adjacent wetland communities exist both to the southeast within the Palo Alto Baylands, and Ravenswood Open Space Reserve to the northwest. To ensure that resources, including wetland habitat and the species it supports are not harmed when the trails and larger park are constructed, a Mitigated Negative Declaration (MND) was completed for this project. It was certified by the City Council of the City of East Palo Alto on February 15, 2011. The City also adopted a Mitigation Monitoring and Reporting Program, and adopted zone changes to make the proposed project possible.

Site Description: The nine-acre project site is located at the eastern terminus of Bay Road (2100 Bay Road) in the cities of East Palo Alto and Menlo Park. It borders tidal marsh and mudflats at the edge of San Francisco Bay. It was formerly a County of San Mateo dump site. The Regional Water Quality Control Board approved a Remedial Action Plan for site clean-up on February 3, 2011. The City of East Palo Alto will carry out that Plan in the fall of 2011 with trail construction immediately following.

The property was until recently partially owned by the Peninsula Open Space Trust (POST), but in 2006 POST gave the middle section of Cooley Landing to the City of East Palo Alto as a gift. The Midpeninsula Regional Open Space District owns the remainder of the site.

The City of East Palo Alto changed the zoning designation for the center parcel making up Cooley Landing (APNs 063-590-030 and 063-590-040) from Resource Management (RM) to Community Open Space Conservation (COSC) to facilitate its development into a passive open space park consistent with the *Cooley Landing Park Vision Plan*. Specifically, the zoning change would allow the opening of a new nature/history education center and community gathering place.

Project History: The City of East Palo Alto held community meetings from 2003 to 2005 to gather ideas on low-impact recreational uses and to generate conceptual drawings for the site. The National Park Service provided a facilitator for the stakeholder process, and the Packard Foundation funded the concept plans. *The Cooley Landing Park Vision Plan* was adopted by the City of East Palo Alto on July 9, 2010. The Vision Plan includes a loop trail around the park to take visitors to the edge of the Bay and to the other interesting features that will be added to the site.

This particular proposed spur to the Bay Trail was not part of the approved Bay Trail alignment, so the Bay Trail Steering Committee considered the merits of adjusting the alignment and at its January 28, 2011 meeting and adopted a modification of the alignment to include the proposed Bay Trail spur at Cooley Landing.

Prior Conservancy-funded projects in the vicinity of Cooley Landing have included a March 2002 Conservancy authorization that allowed ABAG to provide \$70,000 to the City of Palo Alto to construct .8 miles of Bay Trail at Faber-Laumeister Marsh (Palo Alto Baylands), just to the southeast of Cooley Landing.

PROJECT FINANCING

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| Coastal Conservancy | \$ 244,649.00 |
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| Total Project Costs | \$ 244,649.00 |
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The Conservancy's contribution is proposed as a portion of a \$3,000,000 Conservancy augmentation authorization of December 4, 2008 for the San Francisco Bay Trail Block Grant #4. Conservancy funds for Block Grant #4 are derived from the Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006 ("Proposition 84"). See Public Resources Code § 75001 et seq. These funds are available for San Francisco Bay Area Conservancy Program projects that promote access to and enjoyment of coastal resources, and are thus appropriate for funding the proposed construction of a San Francisco Bay Trail spur, which will facilitate public access to and enjoyment of San Francisco Bay. See Public Resources Code § 75060 (c).

There are no matching funds for this grant, but by providing this full grant at this time, the Bay Trail project can help the City of East Palo realize project savings through the efficiency of building all trail components at one time instead of phasing them.

CONSISTENCY WITH CONSERVANCY'S ENABLING LEGISLATION:

The proposed project is consistent with Chapter 4.5 of Division 21 of the Public Resources Code, Sections 31160-31165 regarding San Francisco Bay Area projects.

Consistent with Section 31162(a) and (c), the Conservancy will award a grant to build a bicycle (multi-use) pathway as a spur to the Bay Trail to help implement the San Francisco Bay Plan and to improve public access to and around the bay by helping to complete a regional trail system (the San Francisco Bay Trail), without adversely impacting agricultural operations, environmentally sensitive areas, or wildlife. Consistent with Section 31162(d), the project will enhance a natural area that is accessible to urban populations for recreational and educational purposes. Consistent with Section 31163(c), the proposed authorization will be used to fund an outdoor recreational project that is supported by an adopted regional plan (San Francisco Bay Trail, San Francisco Bay Plan, East Palo Alto's Bay Access Master Plan, East Palo Alto General Plan, and Cooley Landing Park Vision Plan (2010)), serves a regional constituency, can be implemented in a timely way, and includes matching contributions from in-kind sources of funding or assistance.

CONSISTENCY WITH CONSERVANCY'S 2007 STRATEGIC PLAN GOAL(S) & OBJECTIVE(S):

Consistent with **Goal 11, Objective E** of the Conservancy's 2007 Strategic Plan, the proposed project helps to complete a .92 segment of San Francisco Bay Trail.

Consistent with **Goal 11, Objective L**, this segment of the Bay Trail will be ADA-accessible.

CONSISTENCY WITH CONSERVANCY'S PROJECT SELECTION CRITERIA & GUIDELINES:

The proposed project is consistent with the Conservancy's Project Selection Criteria and Guidelines, last updated on June 4, 2009, in the following respects:

Required Criteria

1. **Promotion of the Conservancy's statutory programs and purposes:** See the "Consistency with Conservancy's Enabling Legislation" section above.
2. **Consistency with purposes of the funding source:** See the "Project Financing" section above.
3. **Support of the public:** The community surrounding this site in East Palo Alto and Menlo Park has been attending meetings and supporting the project since 2003. State Senator Joseph Simitian and Assemblyman Richard Gordon also support the addition of this Bay Trail spur to Cooley Landing Park (Exhibit 4).
4. **Location:** Cooley Landing Park is located along the Bay Trail and the shoreline of San Francisco Bay in East Palo Alto and Menlo Park, San Mateo County, one of the nine counties in the jurisdiction of the San Francisco Bay Area Conservancy Program.
5. **Need:** Conservancy funding will make it possible to build the entire trail system at one time in a cost-efficient and timely manner.

6. **Greater-than-local interest:** This project expands recreational trail circulation in a 26-mile stretch of the Bay Trail, reaching and serving a large section of the San Francisco Peninsula and South Bay, plus the communities across the Dumbarton Bridge.
7. **Sea level rise vulnerability:** The project site in its current configuration would experience flooding along the entrance road and partially at the tip of the peninsula by the year 2050, according to sea level rise predictions published by the San Francisco Bay Conservation and Development Commission. However, implementation of a new park at Cooley Landing will raise site elevation on most of the peninsula by 2' when imported clean soil is placed there to cap existing contaminated soil. This will decrease the amount of land that will still be prone to flooding (Exhibit 5). The only portion of the proposed project that will not be almost fully protected from rising sea levels through 2050 is the entry road, which averages about 7' in elevation and will not be raised. Current Mean High Water in the area (Dumbarton Bridge NOAA tidal station) is 3.89' (NGVD 29 datum). FEMA base flood elevation is 8'. With predicted sea level rise of .33" per year, FEMA base flood elevation will be 9.38' by 2050. Thus, the entry road will continue to occasionally flood in years to come, but the remainder of the Bay Trail and other park improvements will be largely protected from flood waters.

Additional Criteria

8. **Cooperation:** The Midpeninsula Regional Open Space District is cooperating with the City of East Palo Alto on the development and management of Cooley Landing Park. Many community groups are also very actively involved in park planning and project support.
9. **Vulnerability from climate change impacts other than sea level rise:** The proposed project will be built to withstand typical shoreline weather and the marine environment because of its location next to the Bay. Increased storm frequency or duration may shorten the life span of the trail, but not to a significant degree. Site furniture and building materials were selected for their durability, including concrete tables and benches, bolted-down steel trash receptacles, and concrete "split rail" fence. To avoid exposing the trail unnecessarily to storm impacts, the Bay Trail will not extend out onto the site jetties (Exhibits 1 and 2), which are located within FEMA's velocity wave action zone. All improvements are expected to be in good condition for a minimum of twenty years and with maintenance should be useful for much longer.
10. **Minimization of greenhouse gas emissions:** The City of East Palo Alto will achieve short-term energy reductions estimated at 32 metric tons of CO₂ annually by 1) using native, drought-tolerant plants that will need to be irrigated during their establishment period only, and 2) providing area residents with a nearby park that is reachable on foot or by bicycle, thus avoiding CO₂ emissions otherwise produced by residents driving vehicles to parks farther away.

CONSISTENCY WITH SAN FRANCISCO BAY PLAN:

The proposed project is consistent with the applicable policies contained in Part IV, Development of the Bay and Shoreline: Findings and Policies, of the San Francisco Bay Plan adopted by the San Francisco Bay Conservation and Development Commission (BCDC) in 1969, as amended.

Public Access Policy No. 8 states:

Access to and along the waterfront should be provided by walkways, trails or other appropriate means and connect to the nearest public thoroughfare where convenient parking or public transportation may be available. Diverse and interesting public access experiences should be provided which would encourage users to remain in the designated access areas to avoid or minimize potential adverse effects on wildlife and their habitat.

Consistent with Public Access Policy No. 8, the proposed project will provide improved access to the Bay shoreline from the spine of the Bay Trail and nearby University Avenue, which runs from Palo Alto to East Palo Alto and intersects with the Dumbarton Bridge, where the Bay Trail continues across the Bay or farther north toward Menlo Park. The development and access to the shoreline at Cooley Landing Park will help discourage disturbance to nearby California clapper rail habitat (Palo Alto Baylands, Exhibit 1) by concentrating visitor use at this area.

Public Access Policy No. 10 states that federal, state, regional and local jurisdictions, special districts and BCDC should cooperate to provide appropriately-sited, designed and managed public access, especially to link the entire series of shoreline parks, regional trail systems and existing public access areas to the extent feasible without additional Bay filling and without significant adverse effects on Bay natural resources. Closing gaps between existing public access areas is a high priority for funding. The proposed project is consistent with this policy because it provides appropriate and necessary trail improvements in connection with closing a gap in the Bay Trail and does so without significant adverse effects on Bay natural resources.

COMPLIANCE WITH CEQA:

In order to comply with the California Environmental Quality Act (CEQA), the City of East Palo Alto completed an Initial Study analyzing the implementation of the *Cooley Landing Vision Plan* (adopted on July 9, 2010), which includes the proposed project, and received public comments on the Initial Study from December 22, 2010 until January 21, 2011. A Mitigated Negative Declaration (MND), attached as Exhibit 3, was subsequently prepared and certified by the City Council of the City of East Palo Alto on February 15, 2011 along with the Mitigation Monitoring and Reporting Program (MMRP) for the Cooley Landing Park Project, which includes the proposed project. The City filed the Notice of Determination (NOD) with the County Clerk, County of San Mateo (including payment of the filing fee per California Department of Fish and Game Code Section 711.4), on February 16, 2011. Mitigation measures will be included in the project to lessen any potentially significant project effects to a less-than-significant level.

The Initial Study analyzed the following resource areas:

- Aesthetics
- Agriculture and Forest Resources
- Air Quality
- Biological Resources
- Cultural Resources
- Geology and Soils
- Greenhouse Gas Emissions
- Hazards and Hazardous Materials
- Hydrology and Water Quality

- Land Use and Planning
- Mineral Resources
- Noise
- Population and Housing
- Public Services
- Recreation
- Transportation/Traffic
- Utilities and Service Systems
- Mandatory Findings of Significance

Mitigation measures were developed only for the resource areas where the potential to cause significant effects was found. Conservancy staff concurs that the remaining areas of the Initial Study do not have the potential to cause significant effects. The areas with the potential to cause significant effects and the mitigation measures that are relevant to construction of the proposed project are summarized below.

Air Quality. Although the Initial Study found that the project would not have a significant impact on Air Quality, the MMRP does state that during project construction, the Bay Area Air Quality Management Board (BAAQMD) Basic Control Measures for construction sites will be implemented to avoid and minimize short-term construction air quality impacts, including cumulative air quality impacts. Detailed measures are described in the MMRP.

Biological Resources. Four potential impacts were identified. **Impact BIO-1** finds that the Cooley Landing project site is immediately adjacent to wetland habitat and thus project development could result in significant impacts to federally and state listed endangered salt marsh harvest mouse individuals. Twelve mitigation measures (MM) will be implemented to reduce this potential impact to a less than significant level (MM Bio-1.1 through 1-12). The following summary includes most of those measures and illustrates the thoroughness of the measures that will be applied. All mitigation measures are included in detail in the MMRP.

A qualified biological monitor will be present during all construction work taking place adjacent to salt marsh habitats. This monitoring will be repeated in each construction phase that occurs adjacent to salt marsh habitats. A qualified biologist will conduct pre-construction surveys as appropriate and take all measures necessary to protect the salt marsh harvest mouse, including the removal of pickleweed and saltgrass by hand, the establishment of exclusionary fencing, or the halting of work if needed. No pets will be allowed on site, workers may not enter specified habitat areas, and trash will be carefully controlled and removed from the site.

A Refugial Habitat Design Plan will be developed prior to the beginning of work and submitted to the U.S. Fish and Wildlife Service (USFWS) and the Department of Fish and Game (DFG) for review and approval. All long-term habitat restoration and enhancement items will be designed and implemented so that these areas may be utilized by the salt marsh harvest mouse for nearly 100 years given current sea level rise predictions. The restored refugial habitat in the southwestern portion of the site will remain closed to public access in perpetuity.

Appropriate erosion control materials such as straw rolls will be installed as needed

during construction activities within the project area. Hazardous materials used during the work period (e.g., fuels, lubricants, solvents, etc.) will be controlled, cleaned up, and properly disposed of outside the tidal marsh areas. Refueling areas for any equipment will be located at upland sites outside of wetlands.

Subsequent to construction, the City of East Palo Alto will submit a compliance report, prepared by the biological monitor, to the USFWS and DFG within 60 days after completion of the work. This report will detail the dates the work occurred; information concerning the success of the actions in meeting the recommended avoidance and minimization measures; any effects on the salt marsh harvest mouse; documentation of the worker environmental awareness training; and any other pertinent information.

Interpretative signage will be placed along the length of the proposed shoreline trail to encourage awareness within the public of wetlands ecology, endangered species life histories, species/predator interactions, and how predation of sensitive species can be minimized. A wide variety of measures will be implemented to educate the public going out in boats and using picnic areas, and no motorized vehicles will be allowed on trails with the exception of battery-operated mobility devices for persons needing such devices.

Impact BIO- 2. Project construction could result in short-term significant impacts to federally and state listed endangered California clapper rail individuals. MM Bio-2.1 focuses on the allowable construction windows and what kind of work may proceed during those specific time frames (between January 31 and September 1, or between June 1 and September 1, or between September 1 and January 31). MM Bio-2.2 states that Mitigation Measures Bio-1.5 through 1.12 should be implemented because the California clapper rail and salt marsh harvest mouse are found in similar locations in the vicinity of the project site and the measures necessary for species protection are similar for both.

MM BIO-3.2 requires that hazardous materials used during the construction period (e.g., fuels, lubricants, solvents, etc.) be controlled, cleaned up, and properly disposed of outside the tidal marsh areas. Refueling areas for any equipment will be located at upland sites outside of wetlands.

Impact BIO-4. The project would result in significant impacts to nesting birds, if present on-site prior to project construction. MM Bio-4 specifies the time periods in which work may or may not proceed and under what conditions.

Cultural Resources. The focus of this analysis is on the potential to find any archaeological or paleontological indicators or remains. There is only one impact: **Impact CUL-1**, which states that implementation of the proposed project could adversely impact buried cultural resources. Mitigation measures MM Cul-1.1 through 1.4 describe the circumstances under which all work must halt, who needs to be identified, what to do if human remains are discovered, and when reports are required.

Hydrology and Water Quality. One impact was found. **Impact HYD-1** finds that implementation of the proposed project could result in significant water quality impacts during construction. Mitigation measures MM Hyd-1.1 through 1.3 lower these impacts to a less than

significant level by requiring that the City of East Palo Alto comply with State Water Resources Control Board's National Pollutant Discharge Elimination System (NPDES) General Construction Activities Permit, include Best Management Practices to control discharge of stormwater pollutants, and comply with the City of East Palo Alto's Grading Ordinance and Zoning Ordinance requirements.

Based on the foregoing, Conservancy staff concludes that the subject project as proposed and mitigated, and as additionally tracked as required in the MMRP, poses no potential for significant environmental impacts. Accordingly, staff recommends that the Conservancy find that the Conservancy has independently reviewed and concurs with the MND prepared and adopted by the City of East Palo Alto on February 15, 2011, and concludes that there is no substantial evidence that the Conservancy project, as mitigated, may have a significant effect on the environment. Staff will file a Notice of Determination upon the Conservancy's approval of the project.